

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PRINCETON DIGITAL IMAGE
CORPORATION,

Plaintiff,

v.

HEWLETT-PACKARD, et al.;

Defendants.

Civil Action No. 1:12-cv-779 (RJS)

AND RELATED COUNTERCLAIMS

**DECLARATION OF PAOLO FONTANI IN SUPPORT OF DEFENDANT HEWLETT-
PACKARD COMPANY'S MOTION FOR SUMMARY JUDGMENT OF
NONINFRINGEMENT BASED ON SETTLEMENT AGREEMENT BETWEEN
PLAINTIFF AND MICROSOFT CORP.**

I, Paolo Fontani, hereby declare as follows:

1. I submit this declaration in support of the motion for summary judgment filed by my employer, Hewlett-Packard Company ("HP"). I have personal knowledge of the facts set forth in this declaration and could testify competently to these matters if called to do so.

2. I am currently a sales support engineer for HP. I have been working for HP for 25 years this month, since April 1989.

3. From approximately 2004 through 2007, I was a Customer Care Program Manager for HP's digital cameras. I worked in the digital camera business unit up until the time HP stopped manufacturing and selling digital cameras. Prior to my job as a Customer Care Program Manager, I worked for about six months in HP's digital camera research and development organization working on digital camera processes and tools. Before that, I was a

lead firmware engineer working on different digital camera programs, including both HP-designed and HP's OEM-designed digital cameras. I worked in an engineering role when HP started its digital camera program. Therefore, I worked on digital cameras at HP from the program's inception to its end. As a result of my 12 of years working with HP digital cameras, I am familiar with the structure, function and operation of those cameras.

4. Since the late 1990s, all of HP's digital cameras had to undergo Windows Hardware Quality Labs ("WHQL") testing before they could be certified as a Microsoft Windows compliant device. WHQL testing is Microsoft's testing process, which involves two basic steps. First, Microsoft designs a set of features and functionalities that the HP digital cameras must have to be able to operate seamlessly with Microsoft's operating systems. When HP designs its digital cameras, it must include the features and functionality required by Microsoft. Second, HP must perform a series of tests on its digital cameras before releasing them for sale. HP submits the results of those tests to Microsoft for review. Only after HP's digital cameras pass WHQL testing are they certified for use with a Microsoft Windows operating system.

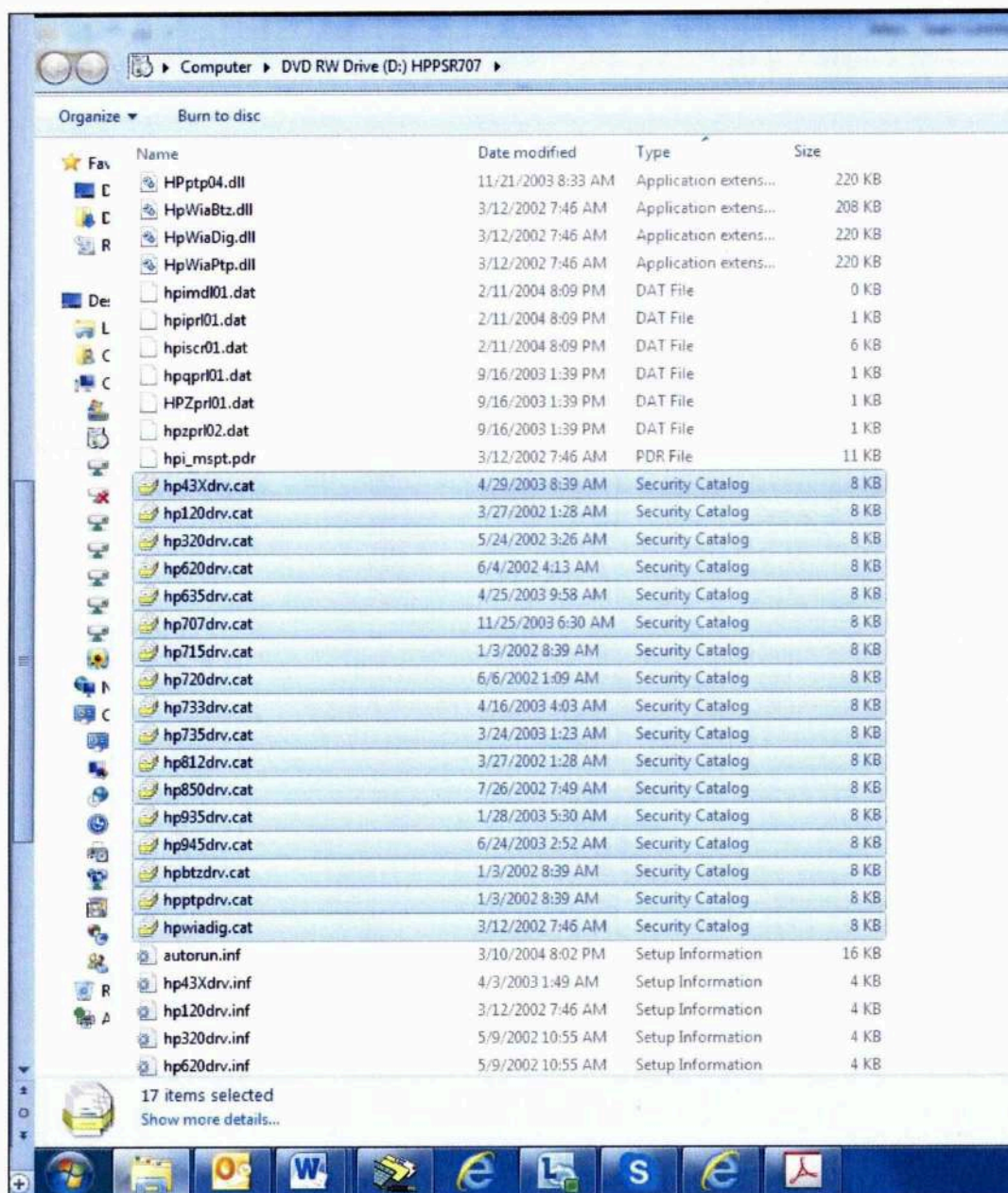
5. HP digital cameras that pass the WHQL tests get to use a "Certified for Windows" logo on the product. One example of HP's use of the Microsoft logo is in the photograph below, which is a picture of the front and back of a box that the HP Photosmart R707 shipped in:



The logo indicates that the product passed Microsoft's WHQL testing and was designed to be used with the Microsoft Windows XP operating system.

6. When the device drivers for HP's digital cameras pass WHQL testing, Microsoft creates a digitally signed certification file, called a Microsoft Catalog file (or ".cat" file after their file extension). These Microsoft .cat files are sent by Microsoft to HP for inclusion with HP's digital cameras. These Microsoft .cat files are different for each model and release of HP's digital cameras.

7. An example of the Microsoft .cat files shipped with the HP Photosmart R707 digital camera is shown in the screenshot below. All of the .cat files (one file per camera model) shown highlighted in blue in the screenshot were provided by Microsoft to HP for use with HP's digital cameras.



8. These .cat files contain a collection of cryptographic hashes, or thumbprints. The Microsoft operating system recognizes the signed catalog file of a driver package as the digital signature for the driver package. These Microsoft .cat files allow the HP digital cameras to be seamlessly plugged into and operated with a PC running a Microsoft operating system (in this example, Windows XP). Without these .cat files, an error message would appear on the PC

monitor when the camera is plugged into a USB port, warning the user that the camera may not be Microsoft compatible.

9. My understanding is that Microsoft also maintained the HP device drivers and Microsoft .cat files for HP's digital cameras on its own servers, so that users could download the drivers and .cat files for the HP cameras without the need for the product CD.


10. To my knowledge, all HP digital cameras passed WHQL testing, were certified by Microsoft as Windows-compatible devices, and shipped with Microsoft .cat files so that the cameras could be operated with Microsoft Windows operating systems.

11. The HP digital cameras also incorporated the Microsoft FAT32 File System. "FAT" is short for File Allocation Table. Microsoft's FAT32 File System is a computer file system architecture that is well-suited for data exchange between computers and peripheral devices, like digital cameras. HP's digital cameras incorporate the Microsoft FAT32 File System to allow users to view and download their photos from the camera onto a Microsoft Windows PC when the camera is plugged into the PC. The Microsoft FAT32 File System is implemented in the firmware running on the HP digital camera, as well as on the Microsoft Windows PC itself.

12. I was deposed in this case on February 4, 2014 in Fort Collins, Colorado. My deposition lasted approximately one-and-a-half hours. Even though I brought up Microsoft and WHQL testing at my deposition, I was not asked about any of the information set forth above during my deposition.

13. I declare under penalty of perjury under the laws of the Unites States of America that the foregoing is true and correct.

Date: April 22, 2014



Paolo Fontani